

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Chief Engineer
4201 East Arkansas Avenue
Denver, CO 80222-3400
(303) 757-9206
(303) 757-9656 Fax



TO:	Transportation Commissioners	Project No:	NH (CX) 550-1(005)
FROM:	Timothy J. Harris, P.E. Chief Engineer	Parcel:	12-EX
		Location:	1520 HWY 550 South Durango, CO 81303
DATE:	September 24, 2012	County:	La Plata
SUBJECT:	Excess Parcel Declaration		

Requested Action:

Declaration of Excess Parcel 12-EX, of Project NH (CX) 550-1(005).

Background:

Parcel 12 was acquired from the adjacent property owner in 1998 under Project NH (CX) 550-1(005) for the widening of Highway 550. In 2008 the landowner adjacent to parcel 12 contacted the former Region 5 Right of Way Manager to discuss installing pillars to build an entry gate to his property. The former Right of Way Manager and a Region 5 survey staff member showed the property owner where the Right of Way markers were located and advised him of where he could position his gate.

After building the entry gate, a survey pin was discovered in the center of the landowner's driveway. The improvements the landowner constructed were actually located on CDOT Right of Way. The total encroachment area of the improvements was 608 square feet. The landowner asked the former CDOT ROW Manager how he should resolve the encroachment issue. The landowner was advised to do nothing, and the encroachment would never be noticed. The landowner was not comfortable with ignoring the encroachment because it would cloud his title.

The current Right of Way Manager recommended that Region 5 declare the 608 square foot encroachment area an excess parcel (12-EX) and sell the parcel to the landowner. The Region Engineering, Traffic, Environmental and Maintenance Specialty Units have all concurred that the parcel is not needed for transportation purposes. All of the Specialty Units also agreed that the sale of Parcel 12-EX should be subject to the reservation of an Access and Utility Easement that will allow CDOT access to an adjoining drainage easement and utility line.

Subsequent to declaring the above referenced parcel excess Right of Way, it will be sold at fair market value in accordance with 43-1-210(5). The proceeds from the sale of Parcels will be redistributed to other active projects in CDOT Region 5.